

REMARKS/ARGUMENTS

The final Office Action of July 3, 2006, has been carefully reviewed and these remarks are responsive thereto. Claims 1-51 remain pending. Reconsideration and allowance of the instant application are respectfully requested in view of the following arguments.

Allowable Subject Matter

Applicants thank the Examiner for indicating allowable subject matter in claims 4-7, 10-14, 21, 23-26, 32, 33, 35, 38, 39, 41 and 47-51.

Claim Rejections Under 35 U.S.C. §102

Claims 19-20, 27-28, 31, 34 and 40 stand rejected under 35 U.S.C. §102(e) as being anticipated by Jasinaki (U.S. Patent No. 5,070,329). This rejection is respectfully traversed for the following reasons.

Independent claims 19 and 31 relate to, *inter alia*, a digital broadcast receiver for receiving at least a first portion of streaming information as a transmission burst. Contrary to the Office Action's assertions, Jasinaki does not teach or suggest such a feature. The Office Action asserts that Jasinaki discloses such features at col. 7, lines 41-49. The cited passage describes a short query signal burst which is transmitted at a relatively high power level of 5 watts or less. Jasinaki also teaches, at col. 4, ll. 46-47, that the short burst is a short burst of unmodulated carrier. Notably, since Jasinaki describes the carrier as *unmodulated*, the short burst does not carry any information, much less streaming information. Further, Jasinaki discloses that the burst signal is detected in a saturation detector circuit that provides a digital output indicating the presence or absence of the strong carrier signal. Col 8, ll. 59-66. Even so, the presence or absence of a strong carrier signal does not constitute at least a first portion of streaming information, as is recited in claim 19 and 31. Further, using "reasonable interpretation," as suggested by the Office Action, would not lead one of ordinary skill in the art to equate a query signal burst of unmodulated carrier to at least a first portion of streaming information. For at least the foregoing reasons, claims 19 and 31 are allowable.

In addition, claims 19 and 31 also recite, *inter alia*, a receiver input buffer for storing a transmission burst. The Office Action cites element 228 of FIG. 4 as allegedly teaching or

suggesting a receiver input buffer. Applicants respectfully disagree. In FIG. 4, there are two blocks having reference number 228: "USER SWITCHES" and "MEMORY." Significantly, Jasinaki provides very little detail on "MEMORY" component 228. In particular, nowhere does Jasinaki teach or suggest that a transmission burst is stored in MEMORY 228. Further, according to FIG. 4, MEMORY 228 is connected to the I/O of the microcomputer controlled decoder 210. Since block 218 represents the "receiver portion" (see col. 8, line 51) and since there is no disclosure of any relationship between MEMORY 228 and the receiver portion 218, Jasinaki does not teach or suggest that MEMORY 228 constitutes a receiver input buffer, as is recited in claims 19 and 31. As such, claims 19 and 31 are also allowable for this additional reason.

Still further, claims 19 and 31 are both directed to a digital broadcast receiver for receiving transmission bursts. In the Office Action's Response to Arguments, the Office Action asserts, at p.2, that because Jasinaki discloses "the receiver backend 208 providing a stream of digital data representing the received addresses and message" that Jasinaki's receiver constitutes a digital broadcast receiver. Applicants respectfully disagree. A receiver that merely provides digital data does not constitute a digital broadcast receiver. In other words, Jasinaki lacks any teaching or suggestion that its receiver *receives* digital data. Also, Jasinaki expressly teaches away from digital broadcast receivers, disclosing that the pager is a conventional frequency modulated FM receiver. Col. 8, ll. 17-20. Specifically, conventional frequency modulated FM receivers are analog systems, not digital broadcast systems. As such, there would also be no motivation for Jasinaki to implement or use a digital broadcast receiver. Claims 19 and 31 are thus also allowable for this additional reason.

Claims 20, 27-28, 34 and 40 are dependent on claims 19 and 31, respectively, and are thus allowable for at least the same reasons as their base independent claims and further in view of the novel and non-obvious features recited therein.

Claim Rejections Under 35 U.S.C. §103

Claims 1, 3, 8-9, 16-18, 44 and 46 stand rejected under 35 U.S.C. §103(e) as being unpatentable over Jasinaki in view of Sayers *et al.* (U.S. Patent No. 6,539,237, hereinafter "Sayers"). Claim 2 stands rejected under 35 U.S.C. §103(e) as being unpatentable over Jasinaki

in view of Sayers and further in view of Prall (U.S. Patent Pub. 2003/0110233). Claims 22 and 37 stand rejected under 35 U.S.C. §103(e) as being unpatentable over Jasinaki in view of Kalveram *et al.* (U.S. Patent Pub. 2001/0023184, hereinafter “Kalveram”). Claims 29-30 and 42 stand rejected under 35 U.S.C. §103(e) as being unpatentable over Jasinaki in view of Drum *et al.* (U.S. Patent No. 6,456,845, hereinafter “Drum”). Claims 43 and 45 stand rejected under 35 U.S.C. §103(e) as being unpatentable over Jasinaki. These rejections are respectfully traversed for the following reasons.

Claim 1 recites, *inter alia*, “buffering a first portion of an information stream in a first service input buffer as buffered data; transmitting said buffered data as a transmission burst in a time-slicing signal, said transmission burst having a duration smaller than the duration of said portion of said information stream.” None of the cited references teach or suggest such a feature. As discussed with respect to claims 19 and 31, Jasinaki discloses a short query signal burst and that short bursts are short bursts of unmodulated carrier. Even so, a short burst of an unmodulated carrier does not carry any information. As such, Jasinaki’s short query burst does not constitute or carry a first portion of an information stream, as is recited in claim 1. At best, Jasinaki discloses receiving messages and temporarily storing the messages in memory prior to being transmitted. Col. 3, ll. 57-59. Even assuming, *arguendo*, that such messages constitute at least a portion of an information stream, nowhere does Jasinaki teach or suggest that the messages are transmitted as transmission bursts. None of the cited secondary references cure these deficiencies of Jasinaki. Claim 1 is thus allowable for at least the foregoing reasons.

Claim 1 further recites, *inter alia*, “powering-up a digital broadcast receiver in the mobile terminal in synchronicity with said transmission burst such that the mobile terminal is powered-up when said transmission burst is being transmitted.” (Emphasis added). As previously discussed with respect to claims 19 and 31, Jasinaki is directed to analog broadcasts and receivers. As such, Jasinaki teaches away from digital broadcast systems and in particular, digital broadcast receiver. The secondary references cited in the Office Action also do not teach or suggest digital broadcast receivers and thus, fail to cure this deficiency of Jasinaki. For example, both Sayers and Drum disclose GSM networks but do not teach or suggest digital broadcast receivers. Kalveram is similarly defective. Even if any of Sayers, Kalveram and Drum did teach a digital broadcast receiver, there would be no motivation to use such a receiver

in combination with Jasinaki since Jasinaki is specifically directed to frequency modulated FM systems (i.e., analog systems), not digital broadcast systems. Claim 1 is thus also allowable for at least this additional reason.

Claim 46 further recites, *inter alia*, “a digital broadcast transmitter for transmitting said streaming information as bursts at a higher bit rate than the rate at which said streaming information is received from said service provider.” Contrary to the Office Action’s repeated assertions, Jasinaki does not teach or suggest a digital broadcast transmitter. In fact and as described at col. 3, ll. 57-65, Jasinaki discloses that element 24 is a conventional frequency modulated (FM) transmitter. Again, frequency modulated transmitters are directed to analog systems, not digital broadcast systems. As such, Jasinaki teaches away from digital broadcast transmitters. The cited secondary references also do not teach or suggest digital broadcast transmitters. Thus, the secondary references fail to cure this deficiency of Jasinaki. Again, even if any of the secondary references (Drum, Sayers and/or Kalveram) teaches or suggests digital broadcast transmitters, there would be no motivation to combine such a feature with Jasinaki since Jasinaki is directed to frequency modulated transmitters and analog systems. Claim 46 is thus allowable for at least this reason.

Further, Jasinaki also does not teach or suggest transmitting streaming information as bursts. As discussed above with respect to claims 1, 19 and 31, Jasinaki merely discloses transmitting a short query burst of unmodulated carrier. An unmodulated carrier would not be used to transmit streaming information since an unmodulated carrier does not carry any information. Jasinaki uses the short query burst merely to signal a pager user presence. Col. 8, ll. 59-66. None of the cited secondary references cure this deficiency. As such, claim 46 is allowable for this additional reason.

Claims 2, 3, 8, 9, 15-18, 29-30, 37 and 42-45 are dependent on their respective base claims and are thus allowable for at least the same reasons as those claims and further in view of the novel and non-obvious features recited therein.

CONCLUSION

All rejections having been addressed, Applicants respectfully submit that the instant application is in condition for allowance, and respectfully solicit prompt notification of the same. However, if for any reason the Examiner believes the application is not in condition for allowance or there are any questions, the examiner is requested to contact the undersigned at (202) 824-3156.

Respectfully submitted,
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